

## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 27 SEP 2005


WIPO PCT

Applicant's or agent's file reference 53389-183/DPC	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/CA2004/000436	International filing date (day/month/year) 24.03.2004	Priority date (day/month/year) 25.03.2003	
International Patent Classification (IPC) or national classification and IPC H01M8/02			
Applicant DUPONT CANADA INC. ET AL.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☐ sent to the applicant and to the International Bureau) a total of sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand  22.10.2004	Date of completion of this report  28.09.2005
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Standaert, F  Telephone No. +31 70 340-



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/CA2004/000436

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**Box No. 1 Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-17 as originally filed

**Claims, Numbers**

1-26 as originally filed

**Drawings, Sheets**

1/7-7/7 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-26
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V.**

1. Reference is made to the following document:  
D1 : US 2003/000640 A1 (MERCURI ROBERT ANGELO) 2 January 2003

2. CLARITY

Although claims 1 and 13 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

3. LACK OF INVENTIVE STEP

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-26 does not involve an inventive step in the sense of Article 33(3) PCT.

- 3.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

An electrically conductive electrochemical cell component (paragraph [0003]) comprising:

- (a) a first bipolar plate and an adjacent plate, wherein the adjacent plate is a second coolant plate or a bipolar plate (paragraph [0077]);
  - (b) the first bipolar plate comprising at least one mating region for mating with a complementary region on the adjacent plate (Figure 4); and
  - (c) the first bipolar plate and the adjacent plate each comprise a polymer and conductive filler (paragraphs [0078] and [0079]); and
- wherein the first bipolar plate is joined to the adjacent plate by a seal formed by the polymer at the mating region and the complementary region (see again

paragraphs [0078] and [0079]).

The subject-matter of claim 1 differs from this known cell component in that the first plate is a coolant plate. It is well known to the skilled person that bipolar plates in SPEFC may contain cooling channels. This feature is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill.

The subject-matter of **claim 1** is therefore not inventive.

- 3.2 The same considerations as made in the above paragraph regarding claim 1 are also valid for independent claim 13, since both claims relate effectively to the same subject-matter. The subject-matter of **claim 13** is therefore not inventive.
- 3.3 Furthermore, dependent **claims 2-12 and 14-26** do not contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims is either directly derivable from the disclosure of document D1 (for claims 2, 14: see paragraph [0067]; for claims 5, 6, 8, 10, 11, 17, 18, 20, 22 and 23: see Figure 4 and paragraphs [0036], [0078]) or represents simple design details which are generally known to the person skilled in the field of fuel cells.